

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re:)
) Chapter 7
PAUL MCGILL,) Case No. 09-44630 hjb
)
Debtor)

MOTION FOR RELIEF FROM AUTOMATIC STAY

Now comes Kathryn A. O'Leary, ex-spouse of the Debtor, Paul L. McGill, and moves this Honorable Court for an Order granting her relief from the automatic stay to permit her to continue to pursue post-divorce proceedings in the Massachusetts Family and Probate Court. The post-divorce proceedings involved enforcing and carrying out an equitable division of assets and domestic support obligations. The Divorce action is a Middlesex County case which is currently assigned to Judge Langlois in the Norfolk County Family and Probate Court. The docket number is 07D 1514-DV1.

In further support of this motion, Kathryn A. O'Leary respectfully submits that:

a.) the parties were granted a divorce in 2007. They had virtually no liquid assets and few assets of value at the time. The assets of value included Debtor's state pension, a deferred compensation account standing in Debtor's name, and, in Ms. O'Leary's name, a 401(k) retirement account and an IRA. At the same time, the parties were jointly liable for more than \$70,000 in marital debt, which was supposed to be divided between the two of them equally. This debt consisted of over \$30,000 of unsecured credit card debt and an unsecured loan of more than \$40,000 which arose from the short sale of the marital home.

b.) Following the divorce, the Debtor, Paul L. McGill, was responsible for filing a QDRO to divide the deferred compensation account held in his name and to file a Domestic Relations Order to divide his state pension. Over a year later, the Debtor had not accomplished either of these tasks (or others). In addition, a complaint for child support was filed. Thus, further action by the Family and Probate Court was necessary. The parties' most recent appearance before that Court was a trial scheduled on October 26, 2009.

c.) An Agreement for Judgment entered by the Family and Probate Court on October 27, 2009, sets forth certain domestic support obligations to which Debtor Paul L. McGill and the moving party are bound. Among other things, the October 27, 2009 Agreement for Judgment requires the parties to file, and the Family and Probate Court to issue, a DRO which dictates how the Commonwealth of Massachusetts (Debtor's employer) is to divide Debtor's pension benefit; and a QDRO which dictates the division of the Debtor's deferred compensation account.

WHEREFORE Kathryn A. O'Leary moves for an Order granting her relief from the automatic stay to permit her to continue to pursue the post-divorce actions ordered by the Massachusetts Family and Probate Court.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Kathryn A. O'Leary, hereby certify that I have this 6th day of December, 2009 served a copy of the foregoing Motion for Relief From Stay by electronic and first class mail, postage prepaid to the registered participants and by electronic mail and by first class mail, postage prepaid, to the non-registered participants as follows:

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